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Federation of Fishermen's Associations
(PCFFA) and Institute for Fisheries
Resources (IFR)

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

18 CENTER FOR BIOLOGICAL DIVERSITY,
19 Plaintiff,
20 v.
21 CHARLTON H. BONHAM,
22 Defendant.
23

Case No. 3:17-cv-05685-MMC

**JOINT STATUS REPORT AND
[PROPOSED] ORDER TO CONTINUE
STATUS CONFERENCE**

Dept: Courtroom 7, 19th Floor
Judge: Hon. Maxine M. Chesney
Trial Date: Not Set

25 Pursuant to the Court's February 22, 2019 order, Plaintiff Center for Biological
26 Diversity ("Plaintiff"); Defendant Charlton H. Bonham, in his official capacity as Director of the
27 California Department of Fish and Wildlife ("Defendant"); and Intervenor-Defendants Pacific
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Coast Federation of Fishermen’s Associations and the Institute for Fisheries Resources
 (“Intervenors”) hereby submit this Joint Status Report and [Proposed] Order.

Background

Plaintiff filed a complaint on October 3, 2017, alleging that Defendant has caused and is causing the “illegal ‘take’ of threatened and endangered humpback whales, endangered blue whales, and endangered Pacific leatherback sea turtles.” (Dkt. No. 1.) Defendant filed an answer to Plaintiff’s complaint on November 17, 2017. (Dkt. No. 15.) Intervenors filed an answer to Plaintiff’s complaint on April 16, 2018. (Dkt. No. 41.)

On May 8, 2018, the Court entered an order staying the case to allow the parties time to pursue settlement negotiations. (Dkt. No. 44.) Plaintiff and Defendant actively engaged in settlement negotiations during the pendency of the stay but were unable to reach a mutually agreeable settlement. The stay automatically expired on October 1, 2018.

Subsequently, the parties filed cross motions for summary judgment regarding the issue of liability. (Dkt. Nos. 48-49.) On December 18, 2018, Defendant filed a motion for stay. (Dkt. No. 53.) A hearing was held regarding Defendant’s stay motion on January 25, 2019, and the Court subsequently denied the stay motion. (Dkt. No. 64.)

On February 22, 2019, the Court heard arguments on the parties’ cross motions for summary judgment. After the matter was deemed submitted, Defendant requested that the Court hold off on a ruling pending further settlement discussions. The Court agreed and ordered a joint status report to be filed by the parties by March 15, 2019. (Dkt. No. 66.)

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1 Current Status

2 The parties report that settlement discussions have been productive and substantial
3 progress has been made. Settlement discussions are still continuing, and the parties are hopeful
4 that an agreement in principle can be reached within one week's time. The parties believe that
5 having a short one-week extension of time is appropriate as it will help push negotiations to a
6 close.

7 Therefore, the parties request that the Court continue to hold off on ruling on the cross
8 motions for summary judgment and allow the parties to submit a second joint status report in one
9 week on March 22, 2019. At that time, the parties will inform the Court as to whether an
10 agreement has been reached or whether the Court should proceed with issuing a ruling on the
11 cross motions for summary judgment because a settlement cannot be reached.

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13 Dated: March 15, 2019

Respectfully Submitted,

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15 /s/ Myung J. Park

Myung J. Park
Gary Alexander
Deputy Attorney General
OFFICE OF THE ATTORNEY GENERAL
Attorneys for Defendant Charlton H.
Bonham

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19 /s/ Kristen Monsell

Kristen Monsell
Catherine Kilduff
Attorneys for Plaintiff
Center for Biological Diversity

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23 /s/ Glen Spain

Glen Spain
Attorney for Intervenor Pacific Coast
Federation of Fishermen's Associations and
Institute for Fisheries Resources

[PROPOSED] ORDER

PURSUANT TO STIPULATION OF THE PARTIES, IT IS HEREBY ORDERED that:

1. The Court will continue to hold off on issuing a ruling on the cross motions for summary judgment.
2. The parties will submit a joint status report by March 22, 2019, informing the Court as to whether an agreement has been reached or whether the Court should proceed with issuing a ruling on the cross motions for summary judgment because a settlement cannot be reached.

DATED: _____

HON. MAXINE M. CHESNEY
United States District Judge

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ATTESTATION

I, Myung J. Park, am the ECF user whose identification and password are being used to file this JOINT STATUS REPORT AND [PROPOSED] ORDER. In compliance with L.R. 5-1(i), I attest that the other signatories have concurred in this filing.

DATED: March 15, 2019

/s/ Myung J. Park

CERTIFICATE OF SERVICE

Case Name: Center For Biological Diversity
v. Charlton H. Bonham

No. 3:17-cv-05685-MMC

I hereby certify that on March 15, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

JOINT STATUS REPORT AND [PROPOSED] ORDER TO CONTINUE STATUS CONFERENCE

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 15, 2019, at San Francisco, California.

Belinda Chan
Declarant

/s/ Belinda Chan
Signature